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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE COLLEGE ATHLETE NIL
LITIGATION

Case No. 4:20-cv-03919-CW

**DECLARATION OF KAREEM WALCOTT
IN SUPPORT OF JOINT
ADMINISTRATIVE OMNIBUS MOTION
TO SEAL**

1 I, Kareem Walcott, declare as follows:

2 1. I am the Assistant General Counsel at Oregon State University. Oregon State
3 University is a member of the PAC-12 Conference, which is a defendant in this action. I make
4 this Declaration based on my personal knowledge and investigation, and if called as a witness to
5 testify, I could and would testify competently to the following facts.

6 2. This Declaration is being made in support of the Joint Administration Omnibus
7 Motion to Seal (“Motion”), and pursuant to Civil Local Rules 7-11 and 79-5.

8 3. Oregon State University moves to maintain the confidentiality of certain portions
9 of the document filed under seal by the Parties that contain and/or reflect confidential personal
10 information of individual student-athletes.

11 4. Specifically, Oregon State University requests that certain portions of the Kilaru
12 Decl. Ex. 1, Expert Report of Catherine Tucker [ECF No. 251-1], as described below and as
13 identified in the Proposed Order Regarding Joint Administrative Omnibus Motion to Seal
14 (“Proposed Order”) as entry number 428, be maintained under seal.

15 5. A party seeking to file a document under seal must “establish that a document, or
16 portions thereof, are sealable.” Civil L.R. 79-5(b). In connection with a dispositive motion, a
17 designating party must demonstrate that “compelling reasons” exist to protect the information from
18 being disclosed. *Kamakana v. City & County of Honolulu*, 447 F. 3d 1172, 1178-79 (9th Cir.
19 2006). Redactions, instead of complete removal, can be used to place “limited and clear” portions
20 of information outside the public record. *Id.* at 1183.

21 6. Oregon State University can demonstrate that compelling reasons exist to maintain
22 the following narrowly tailored redactions under seal.

23 **CONFIDENTIAL STUDENT INFORMATION**

24 7. Kilaru Decl. Ex. 1, Expert Report of Catherine Tucker [ECF No. 251-1] contains
25 and reflects confidential personal information of Oregon State University’s student-athletes.
26 Oregon State University is required to keep confidential student personal information, and subject
27 to very specific regulatory exceptions, such information may not be disclosed to the public without
28 first obtaining a release from the student or parent, as FERPA (Family Educational Rights and

Privacy Act, 20 U.S.C. 1232g) requires. *See Rosenfeld v. Montgomery Cnty. Pub. Sch.*, 25 F. App'x 123, 132 (4th Cir. 2001) (“[T]he district court should consider FERPA in making its determination whether sealing of the documents in question is appropriate.”).

8. Therefore, Oregon State University supports the Parties’ Motion to redact those portions of Kilaru Decl. Ex. 1, Expert Report of Catherine Tucker [ECF No. 251-1] that contains the personal information of individual Oregon State University student-athletes, as identified below and in the Proposed Order:

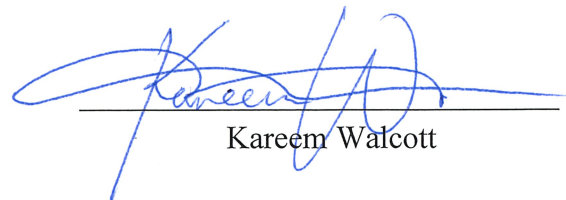
Entry Number	Document	Cite
428	Kilaru Decl. Ex. 1, Expert Report of Catherine Tucker [ECF No. 251-1]	Page 184, ¶ 222

9. The limited redactions proposed above are narrowly tailored, and seek to seal only individual Oregon State University student-athletes’ confidential information, the public disclosure of which would harm such third-party individuals. Disclosure of the information would draw unnecessary attention to the individual student. Moreover, students are compelled to disclose financial opportunities to the university under an expectation of confidentiality under FERPA. Revealing that information to the public, fellow students, and other community members would erode confidence in the confidentiality of this self-disclosure process and chill future disclosures. Disclosing these redacted portions publicly is also unnecessary in this litigation, as these student-athletes’ specific identities are irrelevant to Plaintiffs’ arguments in support of class certification.

10. For the foregoing reasons, Oregon State University respectfully submits that compelling reasons exist to seal the information as identified above and in the Proposed Order.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on SEPTEMBER 28, 2023, in Corvallis, Oregon.



Kareem Walcott

SIGNATURE CERTIFICATION

I, Whitty Somvichian, am the CM/ECF user whose ID and password are being used to file this Declaration of Kareem Walcott of Oregon State University in support of the Joint Administrative Omnibus Motion to Seal. In compliance with Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: September 29, 2023

COOLEY LLP

By: /s/ Whitty Somvichian
Whitty Somvichian

Attorneys for Defendant
PAC-12 CONFERENCE